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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARY JENNINGS HEGAR, JENNIFER HUNT,
ALEXANDRA ZOE BEDELL, COLLEEN
FARRELL, and SERVICE WOMEN'S ACTION
NETWORK,

Plaintiffs,

v.

CHUCK HAGEL, Secretary of Defense,

Defendant.

CASE NO. C 12-06005 EMC

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE INITIAL
CASE MANAGEMENT
CONFERENCE SET FOR
OCTOBER 8, 2013 AND ADR
DEADLINES**

1 Plaintiffs Mary Jennings Hegar, Jennifer Hunt, Alexandra Zoe Bedell, Colleen
 2 Farrell, and Service Women's Action Network and Defendant Chuck Hagel, Secretary of
 3 Defense ("Secretary")¹ (collectively, "the parties"), by and through their respective counsel,
 4 hereby stipulate as follows:

5 1. On November 27, 2012, Plaintiffs filed their Complaint for Declaratory and
 6 Injunctive Relief challenging as unconstitutional the 1994 direct ground combat definition
 7 and assignment rule, and the Court issued an Order Setting Initial Case Management
 8 Conference and ADR Deadlines;

9 2. On January 24, 2013, the Secretary rescinded the 1994 direct ground combat
 10 definition and assignment rule and directed the Military Services to submit plans to him by
 11 May 15, 2013 for implementation of this policy change;

12 3. In light of the above, on January 29, 2013, the parties filed a stipulation with
 13 the Court agreeing to meet and confer within three weeks of the May 15, 2013 deadline for
 14 the Military Services' submission of their implementation plans, and to allow the Secretary
 15 thirty (30) days after that meet and confer to respond to the Complaint;

16 4. On February 7, 2013, the parties filed a stipulation and proposed order with
 17 the Court to continue the initial case management conference and ADR deadlines, and on
 18 February 8, 2013, the Court entered an order resetting the initial case management
 19 conference for July 18, 2013;

20 5. Consistent with the parties' agreement to meet and confer within three weeks
 21 of the May 15, 2013 deadline for the Military Services' submission of their implementation
 22 plans, the parties held a telephone conference on May 30, 2013. During the conference,
 23 undersigned counsel for Defendant conveyed that the Military Services had submitted their
 24 implementation plans to the Secretary and that the Department of Defense ("DoD") was
 25 treating the plans as pre-decisional and deliberative. Undersigned counsel for Defendant
 26

27 ¹ Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Chuck Hagel,
 28 Secretary of Defense, is automatically substituted for Leon Panetta, former Secretary of
 Defense, who is named in the Complaint.

1 further conveyed that, consistent with the National Defense Authorization Act of 2013,
2 section 526, H.R. 4310, (“DoD”) planned to report to Congress in July 2013 on the
3 feasibility of developing gender-neutral occupational standards for military occupational
4 specialties currently closed to women. Counsel for Defendant further stated that DoD
5 anticipated that the report would provide some information about the Services’
6 implementation plans.

7 6. In light of the information provided by counsel for Defendant, the parties
8 filed a stipulation with the Court agreeing to hold a further meet and confer by no later than
9 August 20, 2013 and to allow the Secretary thirty (30) days after that meet and confer to
10 respond to the Complaint.

11 7. On June 7, 2013, the parties filed a stipulation and proposed order with the
12 Court to continue the initial case management conference and ADR deadlines, and on June
13 11, 2013, the Court entered an order resetting the initial case management conference for
14 October 3, 2013.

15 8. DoD made the implementation plans public on June 18, 2013, completed the
16 above-referenced report to Congress in July 2013 and submitted it to Congress on August 2,
17 2013.

18 9. Consistent with the parties’ agreement to meet and confer no later than
19 August 20, 2013, the parties held a telephone conference on that date. In the following
20 weeks, the parties held several more telephone conferences in which, among other things,
21 the parties discussed the implementation plans DoD had made publicly available, and
22 Plaintiffs’ counsel sought information regarding the date by which Defendant will announce
23 whether certain positions, specialties, units, and schools of interest to Plaintiffs will
24 continue to be closed to women. Plaintiffs’ counsel also informed Defendant that the
25 Plaintiffs intend to file an Amended Complaint.

26 10. As required by the June 11, 2013 order, the parties held their Rule 26(f)
27 conference and discussed ADR options on August 30, 2013. In light of Plaintiffs’ intention
28 to file an Amended Complaint, the parties agreed that it would most efficient for the Court

1 and for the parties to agree on a schedule for filing the Amended Complaint, responding to
 2 the Amended Complaint by Answer or motion, briefing on any motion to be filed, and to
 3 request a continuance of the initial case management conference and ADR deadlines.

4 11. On September 9, 2013, the Court provided notice to the parties that the initial
 5 case management conference set for October 3, 2013 would be reset for October 8, 2013.

6 12. In light of the foregoing, the parties request that the Court continue the
 7 scheduling dates established by the June 11, 2013 order, as modified by the September 9,
 8 2013 notice, so that those dates occur after Plaintiffs have filed their Amended Complaint
 9 and the parties have met and conferred regarding issues raised by that amendment.

10 Specifically, the parties request that the Court adopt the following schedule:

11 11/5/2013 Last day to file Amended Complaint

12 11/15/2013 Last day to meet and confer regarding Amended Complaint

13 12/19/2013 Last day to respond to the Amended Complaint

14 1/31/2014 If response to Amended Complaint is a motion, last day to file
 15 opposition

16 2/14/2014 If response to Amended Complaint is a motion, last day to file reply

17 2/20/2014 Last day to: meet and confer re initial disclosures, early settlement,
 18 ADR process selection, and discovery plan; file ADR Certification
 19 signed by parties and counsel; file either Stipulation to ADR Process
 20 or Notice of Need for ADR Phone Conference

21 3/13/2014 Last day to file Rule 26(f) Report, complete initial disclosures or state
 22 objection in Rule 26(f) Report, and file Case Management Statement
 23 per the Court's Standing Order re Contents of Joint Case
 24 Management Statement

25 3/20/2014 Initial Case Management Conference

1 ACCORDINGLY, the parties respectfully request that the Court adopt their
2 proposed schedule for filing and responding to an Amended Complaint and revise the initial
3 case management conference and ADR deadlines set forth in the June 11, 2013 order, as
4 modified by the September 9, 2013 notice, as set forth above.

5 IT IS SO STIPULATED.

6 DATED: September __, 2013

7
8 MUNGER, TOLLES & OLSON LLP
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10 ROSEMARIE T. RING, ESQ.

11 AMERICAN CIVIL LIBERTIES UNION
12 FOUNDATION OF NORTHERN
13 CALIFORNIA, INC.
14 ELIZABETH GILL, ESQ.

15 AMERICAN CIVIL LIBERTIES UNION
16 FOUNDATION, WOMEN'S RIGHTS
17 PROJECT
18 ARIELA M. MIGDAL, ESQ.
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/s/ Caroline Lewis Wolverson
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U.S. Department of Justice
Attorneys for Defendant

/s/ Rosemarie T. Ring
ROSEMARIE T. RING
Attorneys for Plaintiffs
(Electronic signature authorized
verbally to counsel)

PURSUANT TO THE PARTIES' STIPULATION, IT IS HEREBY ORDERED
THAT:

The initial case management conference and related deadlines are revised as follows:

11/5/2013 Last day to file Amended Complaint

11/15/2013 Last day to meet and confer regarding Amended Complaint

12/19/2013 Last day to respond to the Amended Complaint

1/31/2014 If response to Amended Complaint is a motion, last day to file
opposition

2/14/2014 If response to Amended Complaint is a motion, last day to file reply

2/20/2014 Last day to: meet and confer re: initial disclosures, early settlement,
ADR process selection, and discovery plan; file ADR Certification
signed by parties and counsel; file either Stipulation to ADR Process
or Notice of Need for ADR Phone Conference

3/13/2014 Last day to file Rule 26(f) Report, complete initial disclosures or state
objection in Rule 26(f) Report, and file Case Management Statement
per the Court's Standing Order re Contents of Joint Case
Management Statement

3/20/2014 Initial Case Management Conference

DATED: 9/18, 2013

Edward M. Chen
United States District Court

